



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SAVERIO CARL FALCO ET AL.

APPLICATION NO.: 09/049,304

FILED: MARCH 27, 1998

FOR: CHIMERIC GENES AND METHODS
FOR INCREASING THE LYSINE
CONTENT OF THE SEEDS OF PLANTS

CASE NO.: BB1037-F

GROUP ART UNIT: 1638

EXAMINER: MCELWAIN, E. F.

CONFIRMATION NO.: 5349

PATENT

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Response Pursuant to 37 C.F.R. § 1.111

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

This is submitted in response to the Office Action dated August 9, 2002 concerning the above-identified application. Applicants respectfully request reconsideration and submit the following in support thereof.

IN THE CLAIMS:

Please amend the claims as follows; a marked-up version showing changes made is attached hereto:

Please cancel claims 2-3 without prejudice to or disclaimer of the subject matter recited therein.

1. (once amended) An isolated nucleic acid fragment comprising a nucleic acid sequence encoding all or a functional subsequence of a plant lysine ketoglutarate reductase/saccharopine dehydrogenase.

2. (once amended) The nucleic acid fragment of Claim 1 comprising a nucleic acid sequence of SEQ ID NO:120.

5. (once amended) The nucleic acid fragment of Claim 1 wherein the nucleic acid sequence encodes a polypeptide as set forth in SEQ ID NO:122.

6. (once amended) A chimeric gene comprising the isolated nucleic acid fragment of Claim 1 encoding lysine ketoglutarate reductase or a functional subsequence thereof, operably linked to suitable seed-specific regulatory sequences wherein a plant transformed with said chimeric gene has seeds with increase lysine content compared to seeds obtained from untransformed plants.